G.R.S. 11]

1908. 9.

GENERAL AND REVENUE SECRETARIAT.

(Agri)

NOTES.

File No. 10 - 08

FILE HEADING.

Sale of the estate of the late mir Syed Amir Ali Sahab in adjustment of the loan granted to him.

From

The Hon Comm in Allapore

No. 1102 Dated 23. 7 08 Received 24 7 08

Diary No.	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for order the papers in the case & recommends that the delay of 1 days on the part of the purchaser of the estate to pay up

---

NOTES AND ORDERS.

In their order No 1573/Agri 29-06-4 dt 26-8-07 Govt directed that the estate of the late mr Syed Amir Ali be sold and the proceeds appropriated towards the loan granted to him

Notes—First sheet.

GPB—30,000—20-3-06.

PTO

Serial No.

It is reported that the estates were sold in the for Rs 1020 on the 9th April 1908 both for the loan and for arrears of revenue. The purchaser one Mr Chadecott on behalf of Mr Edwin Hunt of the Kasaragod estate, it appears, deposited Rs 300 on the date of sale and paid Rs 720, seven days after the prescribed period. The Dy. Coms recommends that the 7 days delay may be condoned on the ground that the estates are not likely to fetch more. It is further stated that the sale proceeds do not even cover the arrears of revenue Viz Rs 1413-4-6. and that there is no balance to be appropriated for the loan. The statement attached to the Dy Comrs letter gives the particulars of the liabilities, realizations from the sale and the proposed appropriations, should the sale be confirmed.

The Rev Comr has submitted the papers for orders, [illegible]

Note.—Contn sheet.

GPB—50,000—17-3-07

Serial No.

Recommendation.

From the records it is apparent that the estates have been sold for both kinds of liabilities at the same one and the same time, viz the arrears of revenue and the loans; of which the former is a paramount charge and the latter is not so. Attention is invited to G.O. No. R 366/Rev./1-038 of 21-7-04. wherein it has been held that the Combination of 2 kinds of liabilities dissimilar & Glaring is irregular.

Submitted for orders.

TR

31/7/08.

RK 31/7/08

Under S.181 (L.R.C.) if the full amount of purchase-money is not paid within the prescribed time the deposit has to be forfeited and the defaulting purchaser will be liable for the deficiency if any caused by the resale. The section gives no discretion regarding the forfeiture of the deposit but there is nothing to prevent Govt from waiving

Note—Contn sheet.

GPB—50,000—17-3-07

Serial No.

the forfeiture if so declared. The arrears of land revenue and the amount of the loan under the Land Improvement Regn should not have been clubbed together. But as the defaulters have apparently acquiesced in the sale, it is unnecessary to enter into the question of this irregularity. As ~~the validity of the~~ sale are reported by the Dy Commr in favour that a sale of the village will not yield better results, the sale may be confirmed the forfeiture of the deposit being waived as a special case

Sd/ 3/1/08

Are there any rulings of the Board that, in spite of the positive terms of S. 151, the deposit may be condoned & the forfeiture waived? If so, please put up & also any cases in which such a power has been exercised.

4/1/08

Note—Contn sheet.

GPB—50,000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

Agri File No. 10 of 1908.

Serial No.

Some previous orders are herewith put up. No Case of Sale for arrears of revenue has been found, in which the delay to pay up the balance of purchase money was Condoned, the forfeiture of the deposit money having been waived. Although the Cases herewith put up do not exactly bear on the point, still the attention is invited to Cases marked A to Z ("R 8371 & Mis 660-04-4 & 9.3.05 and No. 25066/R 745-94 & 28.6.895 respectively).

In the former, the order of Local authority waiving the forfeiture, was Cancelled by Govt * see 181 L. R. C. was held to be inoperative. This was a case in which a piece of land had been sold for arrears of Takavi advances.

The discussion entered into in the body of the office notes of this Case may be perused, for a similar question as at present was specially raised there, although the decision in it was finally based on different points viz that the petitioner in the case had no locus standi & that no officer Could go against specific provisions of law.

Hog. 2. In the latter the delay of 7 days

Note.—Contn sheet.

GPB—50,000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

Agri File No. 10 of 1908

Serial No.

to pay up the balance of purchase money was actually Condoned. But this case appears to be a case of sale of land, the occupancy of which had been applied for. It is a question whether the rule involved in this precedent may also be extended to Cases of Sales for arrears of revenue.

But the case now under disposal is one in which Lands have been Sold not only for arrears of revenue but also a Loan under the Land Improvement Regulation.

Submitted for orders

— SR — Ln P.P No 1315- P. 7 152-01

BK 24/8/08 24/8/08 & 15th April 1906 the forfeiture of the deposit was waived on the ground that the failure to pay the full amount was due to a mistake as to the exact amount. The same principle was followed in P.G No A 170 8/7.08 R.M. 327-07-2 where the difference was only 4 as the purchase money had already been refunded to the purchaser under orders of the Board of Revenue.

3/9/1908 — Ln / The delay may be condoned & the sale confirmed as recommended

1022 1.9.08

Note—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

Memorandum

Submitted with a draft. The large arrears of loan amounting to Rs 17403-7-10 have to be written off the accounts as it does not appear that there are any means of recovering them. The Rev. Comr & the Dy Comr do not say anything about this matter. If approved, a line will be added to the draft.

T.R.
8/9/08

8/9/08 Secd
8/9/08

2 To the Rev Commr in Mysore
G.P. no. R 1780 of 16. 9. 08.

Sanctions the recommendation of the Revenue made in 8 No 1, as a 8/6 case & requests him to State how the balance of the amount still due on account of loan & arrears of revenue may be dealt with

Note—Contn sheet.

GPB—50,000—17-3-07

Agri 10-08-1

No. 1102

Office of the Rev. Comr. in Mysore,

Bangalore...Dated...20th July...1908.....*190*

From

A. RANGASWAMI IYENGAR Esq., B. A., B. L.

Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General and Revenue *Department.* s

Sir,

Adverting to the last para of Government Order No.R.1573/Agri.79-06-4 dated 26th August 1907 directing the sale of Coffee estates belonging to the late Mr. Syed Amir Ali, in the Manjarabad Taluk and calling for a report thereon, I have the honor to forward herewith for the orders of Government letter No. 12 dated 10th July 1908 (with its enclosures) from the Deputy Commissioner Hassen District. It will be observed therefrom that the lands were knocked down to Mr. Chaldecott on behalf of Mr.Edwin Hunt of Karadibetta Estate for Rs.1020/- the 25 p.c. deposit being paid on the spot but the remainder was not paid till 7 days after the prescribed period had expired. The Deputy Commissioner recommends that the delay of 7 days may be condoned and the sale confirmed, as the lands if resold are not likely to fetch more. I recommend that the delay may be condoned under the circumstances

2. The sale proceeds are not sufficient to cover even the land revenue arrears which amount to Rs.1413-4-6 while the arrears of loan outstanding against the defaulter amount to Rs.17403-7-10.

I have the honor to be,

Sir,

Your most obedient servant,

For Revenue Commissioner.

M.A.N.

Rev. Comr
Form 12.

From 1908. 353

A. RUNGASWAMI IYENGAR, Esq., B.A., B.L.,

Revenue Commissioner,

in Mysore.

578 Rev

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
Gen + Rev *Department.*

Dated 20th

Despatched July 1908

Received

No.
Pal 2

Enclosure No.

Reporting the result of the sale of the estates of the late Mr. Syed Amin Ali, in the Manjarabad Taluk.

Young & Co., Printers, Bangalore, 2,000—25-11-07

G.R.S. 28]

File No. 10-08

Serial No. 2

Diary No. of letter replied to 579

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Agri.)

the 190

Date of issue 14.9.08

Signed by Under Secy.

READ—

G.O. No. 1573/Agri 79-06-4 dated the 26th August 1907 directing the immediate sale of certain lands belonging to the late Mir Syed Amir Ali in the villages of Kudadela, Hosakalli and Siragavara in the Manjarabad Taluk in adjustment of the loan granted to him and asking the Dist. Court to submit a report as to the ~~extent of~~ amounts realisations ~~that may be made~~ in the sale and the balance that ~~might~~ may still be due to Govt.

~~ORDER THEREON.~~—NO.

P.T. over

SUBJECT

GPB—10,000—10-4-06

2) Letter No. 1100 dated the 20th July 1908 from the Rev. Coure in Mysore.

Order thereon. No R 1780 & 14. 9. 08

The marginally noted coffee lands are said to have been auctioned on the 9th April 1908 not only for arrears of the loan referred to above but also for arrears of revenue due on the lands from 1903-4 to 1907-8. The loan amount together with its interest stated to be Rs 17403-7-10 and the arrears of revenue Rs 1413-4-6. The lands were purchased for Rs 1020 by one Mr H.D. Chaldcote on behalf of Mr Edwin Hunt of the Karadikella Estate. The purchaser deposited a sum of Rs 300, a portion of the purchase money on the date of sale and paid the balance seven days after the period within which it should have been paid.

The Deputy Commissioner of the Hassan District recommends that

	SN.	Extent
Hosahalli -	~~85~~ 86	53-13 30-18
Sirapavana -	69	4-28
Kudadela -	60	70-15

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

as will likely be receipt some of said

the delay in payment of the balance of purchase money which is said to be unavoidable may be condoned and the Sale ~~c~~ Confirmed as ~~the new Sale of the~~ The lands is ~~not likely to fetch better~~ prices. He also forwards a Statement where he has proposed certain appropriations of the proceeds of the Sale which do not even cover the arrears of revenue due. The Rev. Comr Supports the recommendation.

Govt are under the circumstances pleased to accord Sanction to the recommendation as a Special Case. The Rev Commr is requested to state how the balance will be dealt with on account of the loss of the arrears of revenue may be dealt with

For Secretary.
8/5/08

No. 1374
F 19/08

The Rev. Comr with the enclosures.
~~The Comptroller~~.

11/9

MGCPB—30,000—5-4-05.